## REMARKS

In response to the Office Action dated June 9, 2009, claims 22, 26 and 27 have been amended. Claims 22-35 are pending in the application.

In paragraph 4 on page 2 of the Office Action, claims 22-27, 33 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Terreault.

In paragraph 6 on page 6 of the Office Action, claims 28-32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Pandya.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 22 sets forth receiving, at a monitor and control unit located remote from at least one head-end, status relating to operations of head-end elements providing content to terminals within a coverage area of the head-end elements, collecting by the monitor and control unit capability information for each of a plurality of remote devices of off-site personnel including an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices, processing the status relating to the operations of the head-end elements to identify problems associated with the head-end elements and to generate report messages for the off-site personnel based on the identified problems, forwarding the report messages from the monitor and control unit to a communication server for routing to at least one of the plurality of remote devices designated from the plurality of remote devices and sending the report messages from the communication server to the designated remote devices to present the report messages to

the off-site personnel associated with the designated remote devices for troubleshooting the operations of the head-end elements.

In contrast, Terreault merely describes a system that includes a control computer for monitoring reverse paths to detect and analyze ingress signals. A control computer generates control data indicative of the communication line corresponding to the ingress path to be monitored. The control computer generates diagnostic sequence control data for the monitoring instrumentation also used to determine source characteristics of the ingress signal.

Further, according to Terreault, alarm message may be generated whenever the set alarm conditions are reached, according to predetermined thresholds. The control software collects these messages in a centralized database for interrogation by operators. Conveniently, a system operator may enter personal preference information so as to receive automatically in quasi-real time alarm messages and other specified information from the database. The operator can then decide to analyze a particular condition by retrieving all pertinent data. The control software run by the computer **23** can also act automatically according to defined scenarios upon reception of alarms messages. Such actions may include pager or E-mail messages to on-duty and off-duty staff according to a time table, or as an adaptive system, execution of one or more diagnostic scenarios to the type of alarm received.

However, Terreault fails to disclose, teach or suggest collecting, by a monitor and control unit located remote from at least one head-end, capability information for each of a plurality of remote devices of off-site personnel. Terreault indicates that a field technician may take control over a spectrum analyzer 67 for field troubleshooting. Further, Terreault states that the computer can also send pager or E-mail messages to on-duty and off-duty staff.

Nevertheless, Terreault does not mention collecting by the monitor and control unit capability information for each of a plurality of remote devices of off-site personnel.

Terreault also fails to suggest collecting capability information including an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices. Terreault discloses sending messages. However, Terreault does not mention a monitoring and control unit collecting capability information. In particular, Terreault does not mention the collection of an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices.

Terreault also fails to suggest processing the status relating to the operations of the head-end elements to identify problems associated with the head-end elements and to generate report messages for the off-site personnel based on the identified problems. Terreault merely discloses that alarm messages are generated whenever the alarm conditions are reached, according to predetermined thresholds. Terreault does not process received status information to identify problems associated with the head-end elements. Terreault identifies when a threshold has been exceeded, but does not suggest identifying a problem associated with data values exceeding the thresholds.

Terreault further fails to suggest forwarding report messages (based on identified problems) from the monitor and control unit to a communication server for routing to at least one of the plurality of remote devices designated from the plurality of remote devices. Terreault discloses that messages are maintained in a centralized database for interrogation by

operators. Operators may enter personal preference information so as to receive automatically

in quasi-real time alarm messages and other specified information from the database.

However, Terreault fails to mention forwarding report messages (based on identified problems)

or that the monitor and control unit designates certain remote devices to receive certain report

messages.

Thus, Terreault fails to disclose, teach or suggest the invention as defined in

independent claim 22, as amended.

Pandya fails to overcome the deficiencies of Terreault. Pandya is merely cited as

monitoring status of buffers for encoding data, multiplexing transport streams and bit rates for

a plurality of data being provided at the head-end. Pandya further teaches having cellular

telephones as part of the devices that can be a control point or agent. However, Pandya fails to

disclose, teach or suggest collecting, by a monitor and control unit located remote from at least

one head-end, capability information for each of a plurality of remote devices of off-site

personnel. Pandya fails to even mention collection capability information for each of a

plurality of remote devices of off-site personnel.

Pandya also fails to suggest collecting capability information including an identity of

each of the plurality of remote devices, a device type of each of the plurality of remote devices,

a device format supported by each of the plurality of remote devices and a reporting level

associated with each of the plurality of remote devices. Pandya discloses that cellular

telephones may be included in devices that can be a control point or agent. However, Pandya

does not mention a monitoring and control unit collecting capability information. In particular,

Pandya does not mention the collection of an identity of each of the plurality of remote

devices, a device type of each of the plurality of remote devices, a device format supported by

each of the plurality of remote devices and a reporting level associated with each of the

plurality of remote devices.

Pandya also fails to suggest processing the status relating to the operations of the head-

end elements to identify problems associated with the head-end elements and to generate report

messages for the off-site personnel based on the identified problems. Pandya merely discloses

monitoring the status of buffers for encoding data, multiplexing transport streams and bit rates

for a plurality of data being provided at the head-end. Thus, Pandya does not process received

status information to identify problems associated with the head-end elements.

Pandya further fails to suggest forwarding report messages (based on identified

problems) from the monitor and control unit to a communication server for routing to at least

one of the plurality of remote devices designated from the plurality of remote devices. Pandya

fails to even mention forwarding report messages (based on identified problems) or that the

monitor and control unit designates certain remote devices to receive certain report messages.

Thus, Terreault and Pandya, alone or in combination, fail to disclose, teach or suggest

the invention as defined in independent claim 22, as amended.

Dependent claims 23-35 are also patentable over the references, because they

incorporate all of the limitations of the corresponding independent claim 22. Further

dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves

the right to argue independently the patentability of these additional novel aspects. Therefore,

Applicant respectfully submits that dependent claims 23-35 are patentable over the cited

references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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